

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and following remarks.

Claims 1, 3-5, 7, 8, and 10-20 are pending. By this Amendment claims 2, 6 and 9 are canceled, claims 1, 3, 5, 7, 8, 10 and 11 are amended and new claims 12-20 are added. No new matter has been added.

The Office Action objects to claims 1, 5, 8 and 11. Claims 1, 5, 8 and 11 are amended to address the Examiner's concerns.

Claims 2, 6 and 9 have been canceled and claims 3, 10 and 11 are amended. The claims are amended to address the issues raised by the Examiner in paragraph 3 of the Office Action. Furthermore, new claims 12-18 are added to include features canceled from the claims.

The Office Action rejects claims 1-5 and 7-11 under 35 U.S.C. §103(a) over U.S. Patent No. 6,007,756 to Weiteder et al. in view of U.S. Patent No. 4,834,244 to Masui and rejects claims 1-5 and 7-11 under 35 U.S.C. §103(a) over U.S. Patent No. 3,909,582 to Bowen in view of Masui. These rejections are respectfully traversed.

Neither the Weiteder, Bowen nor Masui patents discloses or suggests a compression line and a perforation line formed in relation to one another such that a build-up of thermoplastic residual material around the perforation line after laser burning will be substantially located entirely below the level of the surrounding surface of the packaging laminate as in Applicant's independent claims 1 and 8. Such a feature encompasses Applicant's exemplary embodiment as illustrated in Fig. 3 wherein residual material 34 built up around the perforation line 32 after the laser burning operation is located below the level of the surrounding surface of the

packaging laminate 22. As discussed in Applicant's specification, processing on a packaging laminate that included ridges of residual material may cause problems by depositing residual material on rollers, thus causing delays in production. Further, the ridges build up in layers in a magazine reel so that the reel becomes uneven on the outside. Moreover, residual material from each ridge may be deposited from the outside of the packaging material onto the inside of the next layer of packaging laminate in the reel. Assessing the problem of the built-up ridges by grinding can cause harmful dust.

The Office Action recognizes that neither the Weiteder nor Bowen patents discloses a compression line as in Applicant's independent claims 1 and 8. The Office Action takes the position that this feature is taught by the Masui patent and further comments in paragraph 10 that the compression line taught by the Masui patent, combined with the laser perforation taught by the Weiteder patent, would provide a laminate where the build-up of thermoplastic residual material around the perforation line after the laser burning is substantially located entirely below the level of the surrounding surface of the packaging laminate. This position is specifically traversed.

The Masui patent discloses a ruled line 18 provided along the line of perforations 13 in overlapping relation to break the body of a box board at non-cut out portions and concurrently to break the fiber structure of the box board through application of a force of compression so that the strength of the non-cut out portions 13a is considerably lowered. The Masui patent is not concerned with a packaging material that would create the same type of residue with which the Applicant is concerned. Paragraph 20 of the Office Action comments that there appears to be no

criticality to the ranges of size to the projecting compression portion of the roller and no criticality to the ranges of the width of the compression produced. This observation is misplaced for several reasons.

There is no requirement in the statute or case law that criticality is a condition precedent to patentability. What is relevant is that there is a purpose served by these claimed aspects of the method, packaging laminate and manufacturing plant. Indeed, as discussed in Applicant's specification at page 5 beginning at line 28, the depth of the compression line should be such that the ridges of the residual material 34 after the laser perforation are substantially located below the level of the surrounding surface of the packaging laminate 22. The width and the depth affect the volume of residual material 34 located in the compression line. Thus, because there is no reason disclosed in the Masui patent to provide a compression line and perforation line formed in relation to one another such that a buildup of thermoplastic residual material around the perforation line after the laser burning will be substantially located entirely below the level of the surrounding surface of the packaging laminate, it would not have been obvious to one of ordinary skill to combine the Weiteder patent and Bowen patent, each with the Masui patent, to provide the features of Applicant's independent claims 1 and 8. That is, since the Masui patent is not concerned with laser burning a perforation line in a packaging laminate that includes a thermoplastic material, concerns about the post-laser burning build-up of thermoplastic residual material around the perforation line simply do not exist. Thus, an ordinarily skilled artisan reading the disclosure in the Masui patent would have had no reason to select appropriate parameters, such as those

set forth in claims 1 and 8 that are specifically selected to address the post-laser burning build-up of thermoplastic residual material around the perforation line.

Claim 5 is amended to incorporate the features of dependent claim 6.

Dependent claim 6 was rejected only under 35 U.S.C. §112 second paragraph. The portions of claim 6 added to claim 5 address this rejection and therefore claim 5 is also in condition for allowance.

The remaining dependent claims are allowable for at least the reasons discussed above as well as for the individual features they recite. For example, new dependent claims 19 and 20 each recite the thermoplastic layer sinks into the core layer but is not compressed. This feature is disclosed in Applicant's specification at page 5, the paragraph beginning at line 15 and is not disclosed in any of the applied references.

Early and favorable action with respect to this application is respectfully requested.

Should the Examiner have any questions regarding this Amendment or the application in general, he is invited to contact the undersigned at the number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 31, 2007

By:

  
Matthew L. Schneider  
Registration No. 32814

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620

Michael Britton  
Registration No. 47,620